

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

VERONICA VALENTINE,	)	CASE NO. 8:16CV131 (LEAD CASE)
)	
Plaintiff,	)	CASE NO. 8:16CV174 (MEMBER CASE)
)	
vs.)	
)	
LISA VILLWOK, #1764; and JENNIFER	)	INDEX OF EVIDENCE IN
HANSEN, #1585,	)	SUPPORT OF MOTION TO COMPEL
)	
Defendants.)	

Plaintiff, Veronica Valentine ("Plaintiff"), intends to offer the following exhibits in support of her Motion to Compel:

Exhibit 1 Affidavit of Cathy S. Trent-Vilim

VERONICA VALENTINE, Plaintiff

By: s/ Cathy S. Trent-Vilim
Cathy Trent-Vilim, #22489
LAMSON, DUGAN & MURRAY, LLP
10306 Regency Parkway Drive
Omaha, NE 68114
Tel: (402) 397-7300
Fax: (402) 397-7824
ctrent-vilim@ldmlaw.com

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of November, 2017, a true and correct copy of the foregoing Index of Evidence in Support of Motion to Compel was served upon the following via electronic mail and regular United States first class mail, postage prepaid:

Timothy G. Himes, Sr.
Assistant City Attorney
1819 Farnam Street, Suite 804
Omaha, NE 68183
(402) 444-5115
Timothy.himes@cityofomaha.org
ATTORNEYS FOR CITY DEFENDANTS

s/ Cathy S. Trent-Vilim
Cathy S. Trent-Vilim

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

VERONICA VALENTINE,	)	CASE NO. 8:16CV131 (LEAD CASE)
)	
Plaintiff,	)	CASE NO. 8:16CV174 (MEMBER CASE)
)	
vs.)	
)	
LISA VILLWOK, #1764; and JENNIFER	)	AFFIDAVIT OF
HANSEN, #1585,	)	CATHY S. TRENT-VILIM
)	
Defendants.)	
STATE OF NEBRASKA)	
)	
COUNTY OF DOUGLAS	)	ss.

CATHY S. TRENT-VILIM, being duly sworn and upon her oath, deposes and states as follows:

1. I am an attorney duly licensed to practice law by the State of Nebraska and admitted to the practice of law in the State of Nebraska and before the United States District Court for the District of Nebraska.
2. I am counsel of record for Plaintiff, Veronica Valentine, and I am competent to give testimony. This affidavit is based upon my personal knowledge.
3. On October 10, 2017, Plaintiff served Defendants with Interrogatories (First Set) and Requests for Production of Documents (First Set). Attached as **Attachment A** and **Attachment B** are true and correct copies of Defendants Interrogatories to Defendants (First Set) and Requests for Production of Documents to Defendants (First Set).

4. The same day, Plaintiff filed a Notice of Service of the above-referenced discovery requests upon Defendants with the Clerk of Court (Filing No. 124). A true and correct copy of the Notice of Service is attached hereto as **Attachment C**.

5. Under the Federal Rules, Defendants' answers and objections to the discovery were due on or before November 9, 2017.

6. I did not receive any discovery responses from Defendants on or before November 9, 2017.

7. On November 10, 2017, I emailed Defendant's counsel, Timothy Himes ("Himes"), inquiring into the status of Defendants' discovery responses. A true and correct copy of my November 10, 2017, email is attached hereto as **Attachment D**.

8. I did not receive a response to the November 10 email.

9. On Monday, November 13, 2017, I attempted to reach Mr. Himes by phone. Unable to do so, I left him a voicemail.

10. On Tuesday, November 14, 2017, Mr. Himes returned my call. At that time, Mr. Himes indicated that he had three sets of discovery requests to answer and that Plaintiff's discovery was 'at the top of the pile.' Mr. Himes further indicated that he intended to provide responses by Friday, November 17.

11. Later that same day, I sent a letter to Himes confirming our call and his intent to provide discovery responses by Friday, November 17, 2017. A true and correct copy of the November 14, 2017, letter is attached hereto as **Attachment E**.

12. I did not receive Defendants' discovery responses on November 17, 2017. Instead, near the end of the business day Mr. Himes sent me an email indicating that he had "dictated responses. However, my Legal Assistant chose to remain home, today (shocker, I

know). I hope to have responses to you early next week.” A true and correct copy of Mr. Himes’ November 17, 2017, email is attached hereto as **Attachment F**.

13. On November 18, 2017, I sent an email to Himes requesting status of the requested documents and whether they were already collated and ready to go. A true and correct copy of my November 18, 2017 email is attached hereto as **Attachment G**.

14. On November 21, 2017, I sent another email to Himes requesting the status of the responses. A true and correct copy of my November 21, 2017, email is attached hereto as **Attachment H**.

15. On November 22, 2017, Mr. Himes sent me an email stating, “While I apologize, (to you – not your clients (plural)) – I do not accept full responsibility for the delay. May I suggest we file a joint stipulation to extend some deadlines and continue the trial date?” A true and correct copy of Himes’ November 22, 2017, email is attached hereto as **Attachment I**.

16. On November 22, 2017, I sent an email to Himes stating that my client does not want to continue the trial date and requesting, again, when the discovery responses would be completed. A true and correct copy of my November 22, 2017, email is attached hereto as **Attachment J**.

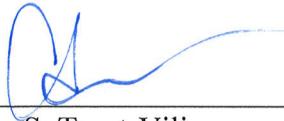
17. Based on my communications with my client, I am aware of her wish that there be no further continuance of the trial date.

18. As of the time of this Affidavit, I have not received any further communications from Defendants; nor have I received Defendants’ discovery responses.

19. It will take time to review Defendants’ discovery responses (including the requested documents) and still prepare for and complete depositions within the existing December 29, 20017 deadline.

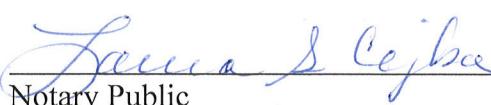
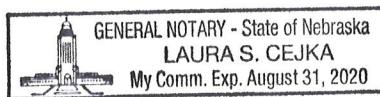
20. In my experience, scheduling depositions in the month of December is especially challenging due to the holiday season.

FURTHER AFFIANT SAYETH NAUGHT.



Cathy S. Trent-Vilim

SUBSCRIBED AND SWORN before me this 28th day of November, 2017.



Laura S. Cejka

Notary Public

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

VERONICA VALENTINE,) CASE NO. 8:16CV131 (LEAD CASE)
vs.)
Plaintiff,) CASE NO. 8:16CV174 (MEMBER CASE)
LISA VILLWOK, #1764; and JENNIFER)
HANSEN, #1585,)
Defendants.) **INTERROGATORIES TO
DEFENDANTS
(FIRST SET)**

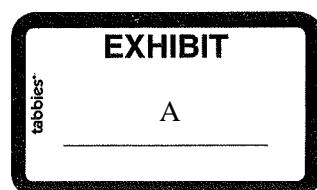
TO: Defendants Lisa Villwok, #1764 and Jennifer Hansen, #1585, and their attorney of record, Timothy G. Himes, Sr.

COMES NOW Plaintiff, Veronica Valentine ("Plaintiff"), and pursuant to Rule 33 of Federal Rules of Civil Procedure submits the following Interrogatories in accordance with the definitions and instructions set forth below. The answers, together with objections, if any, shall be served no later than thirty (30) days after the service of these Interrogatories.

INTERROGATORIES

INTERROGATORY NO. 1. State the names and contact information of all persons who Defendants believe to have information or knowledge regarding (a) the factual basis underlying the affidavit used to obtain the search warrant for Veronica Valentine and the residence located at 1915 Emmett Street, Omaha, Douglas County, Nebraska which was executed on or about July 17, 2015 ("Search Warrant"); (b) the execution of the Search Warrant; and (c) Plaintiff's arrest related to an arrest warrant for Plaintiff issued by the Douglas County Court on or about January 7, 2016 in Case No. CR 16-342 (Warrant No. 03745441) ("Arrest Warrant").

ANSWER:



INTERROGATORY NO. 2. As to each person identified in your answer to Interrogatory No. 1, state with particularity what information or knowledge he or she possesses.

ANSWER:

INTERROGATORY NO. 3. As to each person referenced in your answer to Interrogatory No. 1 who is an officer or employee of Omaha Police Department ("OPD"), state the following:

- (a) His or her years of service with OPD;
- (b) What training he or she has received while employed with OPD;
- (c) How long he or she has been with the OPD Gang Unit; and
- (d) What other positions he or she has held with OPD.

ANSWER:

INTERROGATORY NO. 4. Identify any and all admissions, statements, confessions or other inculpatory or exculpatory statements or admissions the City of Omaha Police Department ("OPD") has obtained from Plaintiff or any third party related to the matters at issue in Plaintiff's operative pleading.

ANSWER:

INTERROGATORY NO. 5. With respect to your answer to Interrogatory No. 4, state the name and contact information for each person who was alleged to be present when the admission, confession or statement was made.

ANSWER:

INTERROGATORY NO. 6. As to any expert witness Defendants intend to call at the trial of this matter:

- a. State the expert's name;

- b. The subject matter on which the expert intends to testify;
- c. All opinions the expert intends to give at the trial of this matter;
- d. The factual basis for each such opinion; and
- e. All documents, research or other information the expert relied upon in reaching his or her opinions.

ANSWER:

INTERROGATORY NO. 7. If an internal affairs investigation was initiated as a result of the Search Warrant or the Arrest Warrant, identify :

- (a) the names and badge numbers of the officers who were the subject of the investigation,
- (b) the names and badge numbers of the lead investigator(s) handling the internal investigation(s), and
- (c) the disposition, outcome or determination of the investigation(s).

ANSWER:

INTERROGATORY NO. 8. Do Defendants contend the strip search of Plaintiff was within the scope of the Search Warrant?

INTERROGATORY NO. 9. Do Defendants contend the visual search of Plaintiff's bodily orifices (i.e., anus and vagina) were within the scope of the Search Warrant?

ANSWER:

INTERROGATORY NO. 10. Upon what legal authority were Defendants relying for the strip search of Plaintiff on July 17, 2015?

ANSWER:

INTERROGATORY NO. 11. Upon what legal authority were Defendants relying for the visual search of Plaintiff's bodily orifices on July 17, 2015?

ANSWER:

INTERROGATORY NO. 12. If Defendants are entitled to indemnity against any judgment entered in this case, state the name of the insurer or indemnitor and provide the amount of indemnity coverage or limits. Also state whether the policy or indemnity agreement covers attorney fees or punitive damages.

ANSWER:

DATED this 10th day of October, 2017.

VERONICA VALENTINE, Plaintiff

By: _____


Cathy Trent-Vilim, #22489
LAMSON, DUGAN & MURRAY, LLP
10306 Regency Parkway Drive
Omaha, NE 68114
Tel: (402) 397-7300
Fax: (402) 397-7824
ctrent-vilim@ldmlaw.com

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of October, 2017, a true and correct copy of the foregoing Plaintiff's Interrogatories to Defendants (First Set) was served upon the following via electronic mail and regular United States first class mail, postage prepaid:

Timothy G. Himes, Sr.
Assistant City Attorney
1819 Farnam Street, Suite 804
Omaha, NE 68183
(402) 444-5115
Timothy.himes@cityofomaha.org
ATTORNEYS FOR CITY DEFENDANTS


Cathy S. Trent-Vilim

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

VERONICA VALENTINE,	)	CASE NO. 8:16CV131 (LEAD CASE)
)	
Plaintiff,	)	CASE NO. 8:16CV174 (MEMBER CASE)
)	
vs.)	
	)	REQUESTS FOR PRODUCTION OF
LISA VILLWOK, #1764; and JENNIFER	)	DOCUMENTS TO DEFENDANTS
HANSEN, #1585,)	
)	
Defendants.)	

TO: Defendants Lisa Villwok, #1764 and Jennifer Hansen, #1585, and their attorney of record, Timothy G. Himes, Sr.

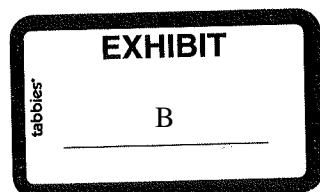
COMES NOW Plaintiff Veronica Valentine (“Plaintiff”), and pursuant to Rule 34 of the Federal Rules of Civil Procedure, hereby request that Defendants, Lisa Villwok and Jennifer Hansen (“Defendants,” “They/Their”), produce and permit Plaintiff to inspect and to copy each of the documents and objects identified below.

It is requested that the aforementioned production be made within thirty (30) days from the date of service of this request at: Lamson, Dugan and Murray, LLP, Attn: Cathy S. Trent-Vilim, 10306 Regency Parkway Drive, Omaha, Nebraska 68114. Inspection will be made by attorneys for Plaintiff.

DEFINITIONS

For the purpose of this Request for Production of Documents, the following definitions shall apply:

1. Document. The term “document” means all written, typed or printed matters, and all magnetic or other records or documentation of any kind or description (including, without limitation, letters, correspondence, telegrams, memoranda, notes, records, minutes, contracts,



agreements, record or notations of telephone or personal conversations, conferences, inter-office communication, e-mail, microfilm, bulletins, circulars, pamphlets, photographs, facsimiles, invoices, tape recordings; computer printouts and worksheets), including drafts and copies not identical to the originals, all photographs and graphic matter, however produced or reproduced, and all compilations of data from which information can be obtained, any and all writings or recordings of any type or nature, in your actual possession, custody or control, including those in the possession, custody or control of any and all present or former directors, officers, employees, consultants, accountants, attorneys or other agents, whether or not prepared by you. The terms "document" and "thing" are defined to be synonymous in meaning and equal in scope to the usage of these terms in Rule 34 of the Federal Rules of Civil Procedure. The term "document" shall include all information that is transmitted electronically and which may be retrieved in hard copy format. A draft of a non-identical copy is a separate document within the meaning of this term.

2. Parties. The terms "party(ies)," "plaintiff(s)," "defendant(s)," "third-party plaintiff(s)," and "third-party defendant(s)," as well as a party's full or abbreviated name or a pronoun referring to a party, mean the party and, where applicable, its officers, directors, employees, partners, corporate parent, subsidiaries or affiliates, servants, agents, contractors, attorneys, and all other persons acting or purporting to act for, or on behalf of said party. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation.

3. And/Or. The connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

4. Any. For purposes of this Request for Production of Documents, the term "any" shall mean any and all and each and every.

5. Arrest Warrant refers to the arrest warrant for Plaintiff issued by the Douglas County Court on or about January 7, 2016 in Case No. CR 16-342 (Warrant No. 03745441).

6. Search Warrant refers to the search warrant for Veronica Valentine and the residence located at 1915 Emmett Street, Omaha, Douglas County, Nebraska, which was executed on or about July 17, 2015.

7. Arrest refers to the arrest of Veronica Valentine as a result of the Arrest Warrant.

8. With respect to any document or thing for which a claim of privilege or work product is made, indicate the general character or nature of the document, identify by name, address, occupation, title and business affiliation, the writer, the addressee, and all recipients thereof, the general subject matter to which the document or thing relates, and its date and the basis upon which you contend each document or thing is privileged from discovery.

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST NO. 1. The entire case file related to the Search Warrant, including but not limited to inventory logs, reports, incident reports or supplemental reports related to the Search Warrant.

RESPONSE:

REQUEST NO. 2. A copy of the affidavit used to obtain the Search Warrant.

RESPONSE:

REQUEST NO. 3. For the two (2) years preceding the Search Warrant, copies of any video or audio recordings alleged to depict Plaintiff engaged in the distribution or sale of any drug, narcotic or other illegal substance to any third party.

RESPONSE:

REQUEST NO. 4. The complete file (including all inventories, reports, incident reports or supplemental reports) related to any investigation that resulted in the prosecution of Plaintiff in *State v. Valentine*, CR 16-928 (Douglas County District Court).

RESPONSE:

REQUEST NO. 5. The complete file (including all inventories, reports, incident reports or supplemental reports) related to any investigation that resulted in the prosecution of Plaintiff in *State v. Valentine*, CR 16-342 (Douglas County Court).

RESPONSE:

REQUEST NO. 6. The complete file (including all inventories, reports, incident reports or supplemental reports) related to the Arrest.

RESPONSE:

REQUEST NO. 7. All Mobile Video Recorder (“MVR”) recordings depicting any portion of the execution of the Search Warrant.

REQUEST NO. 8. For each Mobile Video Recorder from which Defendants obtained recordings in response to Request No. 7, also produce any footage recorded on said dash camera in the fifteen (15) minutes immediately prior to the execution of the Search Warrant and the fifteen (15) minutes immediately after completion of the execution of the Search Warrant.

RESPONSE:

REQUEST NO. 9. All Body Worn Camera (“BWC”) videos or recordings depicting any portion of the execution of the Search Warrant.

RESPONSE:

REQUEST NO. 10. For each BWC from which Defendants obtained recordings in response to Request No. 9, also produce any footage recorded on said dash camera in the fifteen (15) minutes immediately prior to the execution of the Search Warrant and the fifteen (15) minutes immediately after completion of the execution of the Search Warrant.

RESPONSE:

REQUEST NO. 11. All radio transmissions related to the execution of the Search Warrant.

RESPONSE:

REQUEST NO. 12. All emails, text messages or other electronic communications between any OPD officers or personnel related to the execution of the Search Warrant.

RESPONSE:

REQUEST NO. 13. All radio transmissions related to the Arrest.

RESPONSE:

REQUEST NO. 14. All emails, text messages or other electronic communications between any OPD officers or personnel related to the execution of the Arrest.

RESPONSE:

REQUEST NO. 15. All MVR recordings depicting any portion of the Arrest.

RESPONSE:

REQUEST NO. 16. For each MVR from which Defendants obtained recordings in response to Request No. 15, also produce any footage recorded on said dash camera in the fifteen (15) minutes immediately prior to the Arrest and the fifteen (15) minutes immediately after the Arrest.

RESPONSE:

REQUEST NO. 17. All BWC video or recordings depicting any portion of the Arrest.

RESPONSE:

REQUEST NO. 18. For each BWC from which Defendants obtained recordings in response to Request No. 17, also produce any footage recorded on said dash camera in the fifteen (15) minutes immediately prior to the Arrest and the fifteen (15) minutes immediately after the Arrest.

RESPONSE:

REQUEST NO. 19. All recordings and written transcripts of any calls to 911 related to the Search Warrant.

RESPONSE:

REQUEST NO. 20. All recordings and written transcripts of any calls to 911 related to the Arrest.

RESPONSE:

REQUEST NO. 21. Any 'gang file' for Plaintiff.

RESPONSE:

REQUEST NO. 22. The prior criminal records, if any, of Plaintiff.

RESPONSE:

REQUEST NO. 23. The prior criminal records, if any, of any witness upon whose evidence the charges in *State v. Valentine*, CR 16-928 (Douglas County District Court) were based.

RESPONSE:

REQUEST NO. 24. All files or documents related to any disciplinary actions, charges or complaints asserted against any Defendant in this case.

RESPONSE:

REQUEST NO. 25. All files or documents related to any disciplinary actions, charges or complaints asserted against OPD Officer Chris Brown, Badge No. 1873.

RESPONSE:

REQUEST NO. 26. All files or documents related to any disciplinary actions, charges or complaints asserted against Sergeant Bianchi, Badge No. 1263.

RESPONSE:

REQUEST NO. 27. A copy of the Omaha Police Department's Policies and Procedures Manual in effect at the time of the **Search Warrant**.

RESPONSE:

REQUEST NO. 28. Copies of OPD General Orders #96-74, #79-89, #80-89, #10-97, #62-02, #7-10, #16-11 and #75-17.

REQUEST NO. 29. A copy of the Omaha Police Department's Policies and Procedures Manual in effect at the time of the **Arrest** (only if it is different than the Manual produced in response to Request No 24).

RESPONSE:

REQUEST NO. 30. The results and reports of any physical, mental or scientific testing or experiment performed in connection with the above-captioned matter.

RESPONSE:

REQUEST NO. 31. The results and reports of any physical, mental or scientific testing or experiment performed in connection with *State v. Valentine*, CR 16-928 (Douglas County District Court).

RESPONSE:

REQUEST NO. 32. All documents provided to or relied upon by any expert witness Defendants intend to call to testify as a witness in this matter.

RESPONSE:

REQUEST NO. 33. Any medical examination of Plaintiff after the Arrest.

RESPONSE:

REQUEST NO. 34. All reports or documents that Omaha Police Department ("OPD") provided to the Nebraska Department of Health and Human Services ("DHHS") within the past five (5) years which relate to or involve Plaintiff in any way.

RESPONSE:

REQUEST NO. 35. All reports or documents in the possession of OPD, in any way related to Plaintiff, that were either prepared by DHHS or that DHHS provided to OPD within the prior five (5) years which relate to or involve Plaintiff in any way.

RESPONSE:

REQUEST NO. 36. All evidence offered in connection with the Motion to Suppress hearing in the matter of *State v. Valentine*, CR 16-928 (Douglas County District Court).

REQUEST NO. 37. All handwritten notes from any OPD officers or personnel who were present at or participated in the execution of the Search Warrant.

REQUEST NO. 38. All handwritten notes from any OPD officers or personnel who were present at or participated in the execution of the Arrest Warrant.

REQUEST NO. 39. For the past five (5) years, all written, digital, or video training materials, presentations, handouts or other information used by OPD to train its officers on matters related to the execution of a search warrant of a residence, a person, strip searches, or body cavity searches.

RESPONSE:

REQUEST NO. 40. For the past five (5) years, all written, digital, or video training materials, presentations, handouts or other information used by OPD to train its officers on matters related to the execution of an arrest warrant.

RESPONSE:

REQUEST NO. 41. A copy of an insurance policy or other written document providing indemnity to Defendants in the event of a judgment in this case.

RESPONSE:

REQUEST NO. 42. All exhibits, objects or other tangible things Defendants intend to offer at the trial of this matter.

RESPONSE:

DATED this 10th day of October, 2017.

VERONICA VALENTINE, Plaintiff

By: 

Cathy Trent-Vilim, #22489
LAMSON, DUGAN & MURRAY, LLP
10306 Regency Parkway Drive
Omaha, NE 68114
Tel: (402) 397-7300
Fax: (402) 397-7824
ctrent-vilim@ldmlaw.com
ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of October, 2017, a true and correct copy of the foregoing Plaintiff's Requests for Production of Documents to Defendants was served upon the following via electronic mail and regular United States first class mail, postage prepaid:

Timothy G. Himes, Sr.
Assistant City Attorney
1819 Farnam Street, Suite 804
Omaha, NE 68183
(402) 444-5115
Timothy.himes@cityofomaha.org
ATTORNEYS FOR CITY DEFENDANTS



Cathy S. Trent-Vilim

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

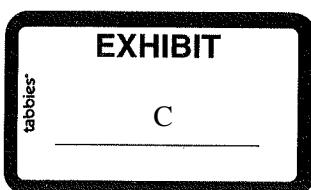
VERONICA VALENTINE,	)	CASE NO. 8:16CV131 (LEAD CASE)
)	
Plaintiff,	)	CASE NO. 8:16CV174 (MEMBER CASE)
)	
vs.)	
	)	NOTICE OF SERVICE
LISA VILLWOK, #1764; and JENNIFER)	
HANSEN, #1585,)	
)	
Defendants.)	

The undersigned hereby certifies that on October 10, 2017, Plaintiff Veronica Valentine served Plaintiff's Requests for Production of Documents and Interrogatories to Defendants (First Set) upon the following counsel of record via electronic mail and regular United States first class mail, postage prepaid:

Timothy G. Himes, Sr.
Assistant City Attorney
1819 Farnam Street, Suite 804
Omaha, NE 68183
(402) 444-5115
Timothy.himes@cityofomaha.org
ATTORNEYS FOR CITY DEFENDANTS

VERONICA VALENTINE, Plaintiff

By: s/ Cathy S. Trent-Vilim
Cathy Trent-Vilim, #22489
LAMSON, DUGAN & MURRAY, LLP
10306 Regency Parkway Drive
Omaha, NE 68114
Tel: (402) 397-7300
Fax: (402) 397-7824
ctrent-vilim@ldmlaw.com
ATTORNEYS FOR PLAINTIFF



CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of October, 2017, a true and correct copy of the foregoing Notice of Service was electronically filed with the Clerk of Court using the CM/ECF system, which sent notification of such filing to the following:

Timothy G. Himes, Sr.
Assistant City Attorney
1819 Farnam Street, Suite 804
Omaha, NE 68183
(402) 444-5115
Timothy.himes@cityofomaha.org
ATTORNEYS FOR CITY DEFENDANTS

s/ Cathy S. Trent-Vilim

Cathy S. Trent-Vilim

From: Trent-Vilim, Cathy
Sent: Friday, November 10, 2017 11:49 AM
To: 'Timothy G Himes (Law)'
Cc: Cejka, Laura
Subject: Disco Responses

Tim:

I am following up on the responses to our discovery requests. The requests were served on October 10. Thirty days after service was yesterday, November 9. However, we have not received anything to date.

Unfortunately, with the short discovery period, I need to secure your clients' discovery responses as soon as possible. Can you please advise me as to the status?

Thank you,
Cathy

EXHIBIT

tabbies®

D



**LAMSON
DUGAN &
MURRAY**
L L P
ATTORNEYS AT LAW

LAMSON, DUGAN &
MURRAY BUILDING
10306 Regency Parkway Dr.
Omaha, Nebraska 68114
P: 402-397-7300
F: 402-397-7824
ldmlaw.com

November 14, 2017

Timothy G. Himes, Sr.
Assistant City Attorney
1819 Farnam Street, Suite 804
Omaha, NE 68183

Re: *Valentine v. Villwock and Hansen*
United States District Court, Nebraska
Case No. 8:16CV131 (Lead Case)
Case No. 8:16CV174 (Member Case)
OUTSTANDING DISCOVERY RESPONSES

Michael J. Dugan
(1937-99)

PARTNERS

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Robert J. Murray
Jon S. Reid
Daniel P. Chesire
William R. Johnson
Frank M. Schepers
Patrick G. Vipond*
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Lawrence F. Harr
Kyle Wallor
Anne Marie O'Brien
Brian J. Brislen
Sean A. Minahan*
Stacy L. Morris*
Denise M. Destache
Cathy Trent-Vilim*
John M. Walker
Daniel J. Waters*
Jason W. Grams*

SENIOR COUNSEL
Eric W. Tiritilli
Maria T. Lighthall

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Janae L. Hofer
Jessica L. Weborg
Spencer R. Murphy
Joseph J. Borghoff
Nelly F. Greenberg
Shannon G. McCoy
Regina Schneider

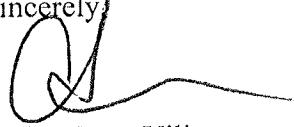
OF COUNSEL
C. E. Heaney, Jr.
Frank J. Barrett
E. Benjamin Nelson

*Also Licensed in Iowa

Dear Mr. Himes:

This letter will confirm our telephone conversation today regarding Defendant's past due discovery responses. You indicated that you intend to provide discovery responses by Friday, November 17, 2017.

Due to the shortened discovery period ordered by the Court in this case, I very much appreciate your attention to the issue.

Sincerely,

Cathy Trent-Vilim
FOR THE FIRM

CTV/lsc #658690
cc: Veronica Valentine

EXHIBIT

tabbies®

E

From: Timothy G Himes (Law) <timothy.himes@cityofmaha.org>
Sent: Friday, November 17, 2017 4:37 PM
To: Trent-Vilim, Cathy
Subject: Re: Disco Responses

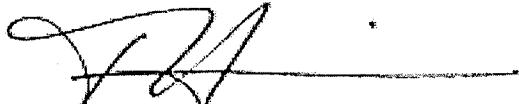
C

I have dictated responses. However, my Legal Assistant chose to remain home, today (shocker, I know).

I hope to have responses to you early next week.

T

Respectfully,



Timothy G. Himes Sr
Assistant City Attorney
City Law Department / Civil
1819 Farnam St - Suite 804
Omaha, NE 68183

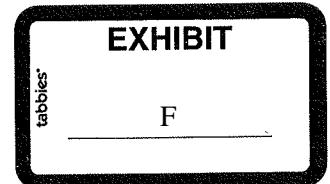
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On Fri, Nov 10, 2017 at 11:49 AM, Trent-Vilim, Cathy <ctrent-vilim@ldmlaw.com> wrote:

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Tim:

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Unfortunately, with the short discovery period, I need to secure your clients' discovery responses as soon as possible. Can you please advise me as to the status?

Thank you,

Cathy



CATHY S. TRENT-VILIM
PARTNER

**LAMSON
DUGAN &
MURRAY**
LLP
ATTORNEYS AT LAW

LAMSON, DUGAN & MURRAY BUILDING

10306 Regency Parkway Drive | Omaha, NE 68114
P: (402) 397-7300 | F: (402) 397-7824

ctrent-vilim@ldmlaw.com

LAMSON DUGAN & MURRAY, LLP

Best Lawyer

This message was secured by **ZixCorp^(R)**.

From: Trent-Vilim, Cathy
Sent: Saturday, November 18, 2017 10:47 AM
To: Timothy G Himes (Law)
Subject: Re: Disco Responses

Tim:

Are the requested documents already collated and ready to go? I ordinarily wouldn't be so pushy, but the court's deadlines don't leave me any choice.

Cathy

Sent from my iPhone

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<image.png>
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<imagedf6f19.PNG> LAMSON, DUGAN & MURRAY BUILDING
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P: (402) 397-7300 | F: (402) 397-7824
ctrent-vilim@ldmlaw.com

<imagefedcbb.PNG>

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From: Trent-Vilim, Cathy
Sent: Tuesday, November 21, 2017 4:36 PM
To: 'Timothy G Himes (Law)'
Cc: Cejka, Laura
Subject: RE: Disco Responses

Tim:

Can you please advise as to the status of the responses?

Cathy

From: Timothy G Himes (Law) [mailto:timothy.himes@cityofomaha.org]
Sent: Friday, November 17, 2017 4:37 PM
To: Trent-Vilim, Cathy
Subject: Re: Disco Responses

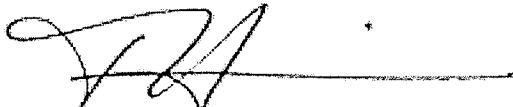
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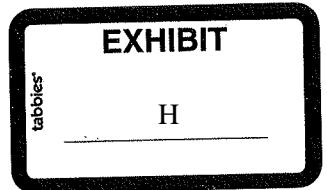
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LAMSON DUGAN & MURRAY, LLP

Best Lawyer

This message was secured by ZixCorp^(R).

From: Timothy G Himes (Law) <timothy.himes@cityofomaha.org>
Sent: Wednesday, November 22, 2017 2:06 PM
To: Trent-Vilim, Cathy
Subject: Re: Disco Responses

C

While I apologize, (to you - not your clients (plural)) - I do not accept full responsibility for the delay.

May I suggest we file a joint stipulation to extend some deadlines and continue the trial date?

T

Respectfully,



Timothy G. Himes Sr
Assistant City Attorney
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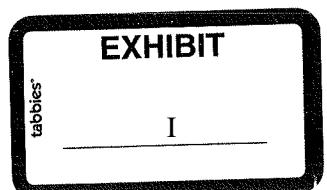
On Tue, Nov 21, 2017 at 4:35 PM, Trent-Vilim, Cathy <ctrent-vilim@ldmlaw.com> wrote:

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REGGIE?

Best Lawyer

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From: Trent-Vilim, Cathy
Sent: Wednesday, November 22, 2017 2:22 PM
To: Timothy G Himes (Law)
Cc: Cejka, Laura
Subject: Re: Disco Responses

Tim:

My client does not want to continue the trial date, so any changes to the deadline will need to be done within the existing framework. What do you propose?

I am not sure what you mean by the comment about it responsibility, but when do you anticipate having the discovery completed?

Cathy

Sent from my iPhone

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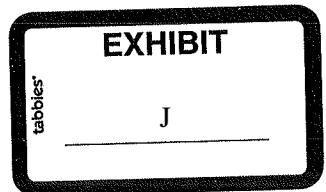
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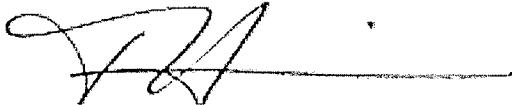
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